

**AMENDMENTS TO THE DRAWINGS**

The attached replacement drawing sheet includes changes to Fig. 3. This sheet, which includes Figs. 3 and 4, replaces the original sheet including Figs. 3 and 4. In Figure 3, previously omitted element 50 has been added.

Attachment: Replacement Sheet

### **REMARKS**

Favorable reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks. Claims 1-4 and 6-14 are pending in the subject application, with amended Claim 1 being in independent format. A Petition for a two-month extension of time for response to the Office Action mailed March 26, 2007 and the requisite fee accompany this Amendment and Reply, thereby extending the period for response until August 26, 2007.

The specification has been amended through out to correct typographical and translational errors. Specifically, the terms "angular" elements have been amended throughout to read "angle" elements, and the terms "tubular" elements have been amended throughout to read "tube" elements.

Claim 5 has been canceled. Claim 1 has been amended to recite "a stackable and collapsible transport box, comprising: a base plate; two first side walls which are mutually opposite and collapsible in a lower first plane connected to the base plate via hinge joints; and two second side walls which are mutually opposite and collapsible in a higher second plane connected to the base plate via hinge joints, wherein the base plate comprises a plurality of supporting pillars, wherein the supporting pillar are arranged as tube elements beneath the base plate and arranged as angle elements above the base plate, and wherein the angle elements are provided with step-like arrangements such that the angle elements can receive tube elements of a second transport box in the collapsed state". Claims 2 and 3 have been amended to recite "angle" elements. Claim 4 has been amended to include subject matter previously recited in canceled Claim 5. Claim 6 has been amended to properly depend from Claim 4. Claims 9 and 10 have been amended to recite "tube" elements. Claim 13 has been amended to remove the "high-quality and impact-proof" reference.

It is urged that support for all the above amendments may be found throughout the specification as originally filed and that none of the amendments constitute new matter or give rise to prosecution history estoppel.

### ***Drawings***

Figure 3 has been amended to include element "50" to indicate "cavities or flat grooves" 50 of the supporting parts 36. The "inwardly bent and upwardly tapering edges" as recited in

Claim 4 has been amended to recite "inwardly bent edges having an upwardly tapered bevel". The inwardly bent edges is represented by element 30 as shown in Figure 1 and the upwardly tapered bevel is represented by element 32 as shown in Figure 2.

***Claim Rejections – 35 U.S.C. §112, first paragraph***

The Examiner has rejected Claims 4 and 12 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states that Claim 4 recites inwardly bent and upwardly tapering edges on the sidewalls while the detailed description discloses an upwardly tapering bevel and that Claim 12 recites a flat groove in the runner elements but the disclosure does not provide a description of where the groove is located.

Claim 4 has been amended to recite "inwardly bent edges having an upwardly tapered bevel". The inwardly bent edges is represented by element 30 as shown in Figure 1 and the upwardly tapered bevel is represented by element 32 as shown in Figure 2. The "flat groove" was disclosed on page 3, line 5 of applicant's disclosure as filed. Accordingly, the detailed description and Figure 3 have been amended to include element "50" to indicate "cavities or flat grooves" 50 of the supporting parts 36.

After the amendments, applicant submits that Claims 4 and 12 now comply with the written description requirement. It is urged that the rejection of Claims 4 and 12 under 35 U.S.C. §112, first paragraph, may thus be properly withdrawn.

***Claim Rejections – 35 U.S.C. §112, second paragraph***

The Examiner has rejected Claims 4, 12, and 13 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that Claim 4 recites inwardly bent and upwardly tapering edges on the sidewalls while the detailed description discloses an upwardly tapering bevel; Claim 12 recites a flat groove in the runner elements but does not provide a description of where the groove is located; and that Claim 13 recites the limitation of high-quality and impact-proof plastic. The terms "high-quality" and "impact proof" are descriptive terms open to interpretation by the user thus making the terminology indefinite.

Claim 4 has been amended to recite "inwardly bent edges having an upwardly tapered bevel". The inwardly bent edges is represented by element 30 as shown in Figure 1 and the

upwardly tapered bevel is represented by element 32 as shown in Figure 2. The "flat groove" was disclosed on page 3, line 5 of applicant's disclosure as filed. Accordingly, the detailed description and Figure 3 have been amended to include element "50" to indicate "cavities or flat grooves" 50 of the supporting parts 36. Claim 13 has been amended to remove the "high-quality and impact-proof" reference.

After the amendments, applicant submits that Claims 4, 12 and 13 now clearly point out and distinctly claim the subject matter which applicant regards as the invention. It is urged that the rejection of Claims 4, 12 and 13 under 35 U.S.C. §112, second paragraph, may thus be properly withdrawn.

#### ***Claim Rejections – 35 U.S.C. §102(b)***

Claims 1-3 and 9-14 are rejected under 35 U.S.C. §102(b) as being anticipated by *Walsh at al.* (U.S. Pub. No. 2002/0070215). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner alleges that *Walsh* discloses a transport box with first sidewalls (18, 20, Figure 1, paragraph 0035) and second sidewalls (14, 16) and the base has support pillars formed by the lower wall segments with angular elements at the corners as seen in Figure 10 with step-like arrangements at the ends of the angular elements and hollow tubular elements (96, 98). The Examiner considers the phrase "to receive tubular elements of a second transport box in the collapsed state" an intended use.

Applicant's amended Claim 1 recites: "a stackable and collapsible transport box, comprising: (a) a base plate; (b) two first side walls which are mutually opposite and collapsible in a lower first plane connected to the base plate via hinge joints; and (c) two second side walls which are mutually opposite and collapsible in a higher second plane connected to the base plate via hinge joints, wherein the base plate comprises a plurality of supporting pillars, wherein the supporting pillar are arranged as tube elements beneath the base plate and arranged as angle elements above the base plate, and wherein the angle elements are provided with step-like arrangements such that the angle elements can receive tube elements of a second transport box in the collapsed state"

*Walsh* discloses a collapsible container provided with side walls and end walls having a closed, multi-paneled element forming at least a portion of the wall. Elements 96 and 98 (Figure 10) as shown in *Walsh* are "corner and center bottom leg openings" (see paragraph [0045]), which are provided to receive the corner leg cap elements 92 of a forklift strap 88. Although the container of *Walsh* is not shown in the collapsed state, it is mentioned in paragraph [0035] that the "taller end walls 18, 20 have pivot axes extending across the bin in a horizontal direction and at an elevation which is slightly above the elevation of the floor of the container defined by a planar top surface of the base". Thus, the side walls 14, 16 are folded over the end walls 18, 20 in the collapsed state. As shown in Fig. 10, the flat corner parts of *Walsh*, as denoted by the Examiner as "angular elements", are flush with the upstanding sides with hinges 30 of the pallet-type base 12. Accordingly, the side walls 14, 16 are at least at the same elevation as the flat corner parts of *Walsh's* container. Unlike applicant's stackable transport box, if a second container as disclosed in *Walsh* is stacked on a first container in the collapsed state, the protruding cap elements 92 will stand on the side walls 14, 16 respectively and thus the corner parts cannot support a second stacked container on top of a first container in the collapsed state. Thus, the flat corner parts as disclosed in *Walsh* are not the same as the "angle elements" as claimed. In addition, *Walsh* describes in paragraph [0060] that the side walls 14, 16 and the end walls 18, 20 are specially adapted by equipping with a multi-functional nesting surface along their top wall margins 180, 182, respectively, for stacking of different types of existing containers atop of container 10 in the upright position. Further, *Walsh* discloses in paragraph [0035] that the container is collapsed to provide a compact and more easily transported container for storage or return (empty) shipment.

Thus, *Walsh* does not disclose applicant's claimed supporting pillars at the corners of a collapsible container which are provided for supporting a second container stacked on the first container in the collapsed state or configuration.

*Walsh* therefore does **not** disclose each element of the claimed invention and does not anticipate amended Claim 1. Claims 2, 3, and 9-14 depend from Claim 1 and necessarily include each of the limitations of amended Claim 1.

It is urged that Claims 1-3 and 9-14 are not anticipated by *Walsh* and that the present rejection of the claims under 35 U.S.C. §102(b) may thus be properly withdrawn.

***Claim Rejections - 35 U.S.C. §103(a)***

Claims 1-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Blinstrub* (5,467,885) in view of *Walsh*. This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner states that *Blinstrub* discloses a transport box with first sidewalls (14, Figure 1, column 3, lines 7-18) and second sidewalls (16) and the base has support pillars formed by the lower wall segments with angular elements at the corners as seen in Figure 8, with step-like arrangements in and at the ends of the angular elements and legs (24, 26). The Examiner considers the phrase “to receive tubular elements of a second transport box in the collapsed state” an intended use. The Examiner states that *Blinstrub* does not teach that the legs can be hollow tubular elements and that *Walsh* discloses a similar transport box with hollow tubular element for the legs to provide a box where the runner element under the legs can be removed or replaced. The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of legs that were hollow tubular elements as disclosed by *Walsh* in the box disclosed by *Blinstrub* to make it possible to remove and replace the runner element.

Claims 2 and 3 depend from amended Claim 1 and necessarily includes each of the limitations of amended Claim 1.

*Blinstrub* describes a collapsible material handling container including a base 12 having a plurality of sides 30, 32, a pair of opposed side walls 14 and a pair of opposed end walls 16 and hinges defining axes 68, 70 associated with each wall 14,16 and interconnecting each wall 14, 16 to the base 12. The walls 14, 16 are moveable between a collapsed position wherein the walls 14, 16 are folded on top of the other and an upright position wherein the walls 14, 16 extend vertically upward from the base 12. The base sides 30 for the opposed sidewalls 14 form a pair of ramping surfaces 72, defining oppositely opening acute angles with the hinge axes 68 for the sidewalls 14 for supporting at least one of the opposed end walls 16 along the ramping surfaces 72 when the end wall 16 is in its collapsed position.

Unlike the applicant's transport box as claimed in amended Claim 1, *Blinstrub* does **not** teach or suggest supporting pillars arranged as tube elements beneath the base plate and as angle elements with step-like arrangements arranged above the base plate, such that the angle elements can receive the tube elements of the supporting pillars of a second transport box stacked on the

transport box in the collapsed state. In addition, as shown in Figures 1 and 8, *Blinstrub* does not teach or suggest that legs 24, 26 are tube elements. Further, the upper part of the supporting pillars as disclosed in *Blinstrub* are not arranged as angle elements with a step-like arrangement for receiving tube elements of the supporting pillars of a second container in order to stack such a container on another container in the collapsed state.

The teachings of *Walsh* are discussed above. Therefore, *Walsh* does **not** remedy any of the deficiencies noted in *Blinstrub*. Accordingly, amended Claim 1 cannot be obvious in view of the combined teachings of *Blinstrub* and *Walsh*,

It is therefore urged that *Blinstrub* in view of *Walsh* would not render Claims 1-3 obvious to one of skill in the art, and that the present rejections of under 35 U.S.C. §103(a) may be properly withdrawn.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Blinstrub* as modified by *Walsh* in view of *Stoner* (U.S. Patent No. 2,070,070). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner states that *Blinstrub* as modified by *Walsh* discloses the invention including two inwardly bent edges (58, Figure 3) on the second sidewalls and it appears that the edges my taper upward but *Blinstrub* and *Walsh* do not teach this and that *Stoner* discloses a collapsible transport box with sidewalls that have inwardly bent edges that taper upwardly to facilitate collapsing the walls (6, Figures 1 and 2). The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of sidewalls that have inwardly bent edges that taper upwardly as disclosed by *Stoner* in the box disclosed by *Blinstrub* as modified by *Walsh* to facilitate collapsing the walls.

Claim 4 depends from amended Claim 1 and necessarily includes each of the limitations of amended Claim 1. The teachings of *Blinstrub* and *Walsh* are discussed above. Similar to *Blinstrub* and *Walsh*, *Stoner* does **not** teach or suggest supporting pillars arranged as tube elements beneath the base plate and as angle elements with step-like arrangements arranged above the base plate, such that the angle elements can receive the tube elements of the supporting pillars of a second transport box stacked on the transport box in the collapsed state. Therefore, *Stoner* does **not** remedy any of the deficiencies noted in *Blinstrub* and *Walsh*. Accordingly,

amended Claim 1 cannot be obvious in view of the combined teachings of *Blinstrub*, *Walsh*, and *Stoner*.

It is therefore urged that *Blinstrub* as modified by *Walsh* in view of *Stoner* would not render Claim 3 obvious to one of skill in the art, and that the present rejections of under 35 U.S.C. §103(a) may be properly withdrawn.

Claims 5 and 6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Blinstrub* as modified by *Walsh* and *Stoner* in view of *Reiland* (U.S. Patent No. 4,775,068). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner states that *Blinstrub* as modified by *Walsh* and *Stoner* discloses the invention except for the inwardly bent edges of the second sidewalls having a bevel reinforced with ribs and that *Reiland* discloses a similar transport box with sidewall having inwardly bent edges with a bevel reinforced by ribs as seen in Figures 1 and 2. The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of sidewalls that have inwardly bent edges with a bevel and reinforcing ribs as disclosed by *Reiland* in the box disclosed by *Blinstrub* as modified by *Walsh* and *Stoner* to provide an alternate construction for the corner of the sidewall incorporating reinforcing ribs for added strength.

Claims 5 and 6 depend from amended Claim 1 and necessarily includes each of the limitations of amended Claim 1. The teachings of *Blinstrub*, *Walsh*, and *Stoner* are discussed above. Similar to *Blinstrub*, *Walsh*, and *Stoner*, *Reiland* does **not** teach or suggest supporting pillars arranged as tube elements beneath the base plate and as angle elements with step-like arrangements arranged above the base plate, such that the angle elements can receive the tube elements of the supporting pillars of a second transport box stacked on the transport box in the collapsed state. Therefore, *Reiland* does **not** remedy any of the deficiencies noted in *Blinstrub*, *Walsh*, and *Stoner*. Accordingly, amended Claim 1 cannot be obvious in view of the combined teachings of *Blinstrub*, *Walsh*, *Stoner*, and *Reiland*.

It is therefore urged that *Blinstrub* as modified by *Walsh* and *Stoner* in view of *Reiland* would not render Claims 5 and 6 obvious to one of skill in the art, and that the present rejections of under 35 U.S.C. §103(a) may be properly withdrawn.



Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Blinstrub* as modified by *Walsh* in view of *Reiland*. This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner states that *Blinstrub* as modified by *Walsh* discloses the invention except for longitudinal and transverse ribs in the corner regions of the sidewall and that *Reiland* discloses a similar transport box with longitudinal and transverse ribs in the corners of the sidewalls. The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of longitudinal and transverse ribs in the corners of the sidewalls as disclosed by *Reiland* in the box disclosed by *Blinstrub* as modified by *Walsh* to provide for reinforcement of the sidewalls at the corner areas.

Claim 7 depends from amended Claim 1 and necessarily includes each of the limitations of amended Claim 1. The teachings of *Blinstrub* and *Walsh* are discussed above. Similar to *Blinstrub* and *Walsh*, *Reiland* does **not** teach or suggest supporting pillars arranged as tube elements beneath the base plate and as angle elements with step-like arrangements arranged above the base plate, such that the angle elements can receive the tube elements of the supporting pillars of a second transport box stacked on the transport box in the collapsed state. Therefore, *Reiland* does **not** remedy any of the deficiencies noted in *Blinstrub* and *Walsh*. Accordingly, amended Claim 1 cannot be obvious in view of the combined teachings of *Blinstrub*, *Walsh*, and *Reiland*.

It is therefore urged that *Blinstrub* as modified by *Walsh* in view of *Reiland* would not render Claim 7 obvious to one of skill in the art, and that the present rejections of under 35 U.S.C. §103(a) may be properly withdrawn.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Blinstrub* as modified by *Walsh* and *Reiland* in view of *Hartwall* (U.S. Patent No. 6,955,273). This rejection is respectfully traversed, particularly in view of the above amendments and the following remarks.

The Examiner states that *Blinstrub* as modified by *Walsh* and *Reiland* discloses the invention except for the transverse and longitudinal ribs welded to a flat cover and that *Hartwall* discloses a similar transport box with a sidewall having transverse and longitudinal ribs attached to a flat cover (34, Figure 4, column 5, lines 48-64). The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have

incorporated the use of a flat cover as disclosed by *Hartwall* in the box disclosed by *Blinstrub* as modified by *Walsh* and *Reiland* to enclose the sidewall and provide the ability to insulate the sidewalls.

Claim 8 depends from amended Claim 1 and necessarily includes each of the limitations of amended Claim 1. The teachings of *Blinstrub*, *Walsh*, and *Reiland* are discussed above. Similar to *Blinstrub*, *Walsh*, and *Reiland*, *Hartwall* does **not** teach or suggest supporting pillars arranged as tube elements beneath the base plate and as angle elements with step-like arrangements arranged above the base plate, such that the angle elements can receive the tube elements of the supporting pillars of a second transport box stacked on the transport box in the collapsed state. Therefore, *Hartwall* does **not** remedy any of the deficiencies noted in *Blinstrub*, *Walsh*, and *Reiland*. Accordingly, amended Claim 1 cannot be obvious in view of the combined teachings of *Blinstrub*, *Walsh*, *Reiland*, and *Hartwall*.

It is therefore urged that *Blinstrub* as modified by *Walsh* and *Reiland* in view of *Hartwall* would not render Claim 8 obvious to one of skill in the art, and that the present rejections of under 35 U.S.C. §103(a) may be properly withdrawn.

### ***Conclusion***

In view of the above amendments and remarks, applicant believes that he has addressed all of Examiner's concerns. Early consideration and allowance of all the pending claims is respectfully requested.

Respectfully submitted,

By:   
Victor N. King  
Registration No. 55,963

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SPECKMAN LAW GROUP PLLC

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